

Senate Resolution 863

By: Senators Seay of the 34th, Mullis of the 53rd, Pearson of the 51st, Williams of the 19th and Stoner of the 6th

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that funds derived from sales and use and motor fuel taxes with respect to jet fuel, aviation gasoline, and locomotive fuel shall be allocated for activities incident to providing and maintaining an adequate system of public-use airports and railroads in this state; to authorize the General Assembly to specify and direct the use of such funds by general law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article III, Section IX, Paragraph VI of the Constitution is amended by revising subparagraph (b) as follows:

"(b) Except as otherwise provided in Paragraph VIII of this article, an amount equal to all money derived from motor fuel taxes received by the state in each of the immediately preceding fiscal years, less the amount of refunds, rebates, and collection costs authorized by law, is hereby appropriated for the fiscal year beginning July 1, of each year following, for all activities incident to providing and maintaining an adequate system of public-use roads and bridges in this state, as authorized by laws enacted by the General Assembly of Georgia, and for grants to counties by law authorizing road construction and maintenance, as provided by law authorizing such grants. Said sum is hereby appropriated for, and shall be available for, the aforesaid purposes regardless of whether the General Assembly enacts a general appropriations Act; and said sum need not be specifically stated in any general appropriations Act passed by the General Assembly in order to be available for such purposes. However, this shall not preclude the General Assembly from appropriating for such purposes an amount greater than the sum specified above for such purposes. The expenditure of such funds shall be subject to all the rules, regulations, and restrictions imposed on the expenditure of appropriations by provisions of the Constitution and laws of this state, unless such provisions are in conflict with the provisions of this paragraph. And provided, however, that the proceeds of the tax hereby appropriated shall

1 not be subject to budgetary reduction. In the event of invasion of this state by land, sea,
2 or air or in case of a major catastrophe so proclaimed by the Governor, said funds may be
3 utilized for defense or relief purposes on the executive order of the Governor."

4 SECTION 2.

5 Article III, Section IX of the Constitution is amended by adding new Paragraphs to read as
6 follows:

7 "Paragraph VIII. **Public-use airports improvement fund.** An amount of money equal
8 to all money derived from sales and use and motor fuel taxes with respect to jet fuel and
9 aviation gasoline received by the state in each of the immediately preceding fiscal years,
10 less the amount of refunds, rebates, and collection costs authorized by law, is hereby
11 allocated to the regional public-use airports improvement fund for the fiscal year beginning
12 July 1, of each year following, for all activities incident to providing and maintaining an
13 adequate system of regional public-use airports in this state. The General Assembly is
14 specifically authorized to allocate and specify and direct the use of the sum provided for
15 under this Paragraph by general law. The sum provided for under this Paragraph is
16 appropriated for, and shall be available for, the airport purposes authorized under this
17 Paragraph regardless of whether the General Assembly enacts a general appropriations Act;
18 and said sum need not be specifically stated in any general appropriations Act passed by
19 the General Assembly in order to be available for such purposes. However, this shall not
20 preclude the General Assembly from appropriating for such purposes an amount greater
21 than the sum specified above for such purposes. The expenditure of such funds shall be
22 subject to all the rules, regulations, and restrictions imposed on the expenditure of
23 appropriations by provisions of the Constitution and laws of this state, unless such
24 provisions are in conflict with the provisions of this Paragraph; provided, however, that the
25 proceeds of the tax appropriated under this Paragraph shall not be subject to budgetary
26 reduction. In the event of invasion of this state by land, sea, or air or in case of a major
27 catastrophe so proclaimed by the Governor, said funds may be utilized for defense or relief
28 purposes on the executive order of the Governor.

29 Paragraph IX. **Railroad improvement fund.** An amount of money equal to all money
30 derived from sales and use and motor fuel taxes with respect to locomotive fuel received
31 by the state in each of the immediately preceding fiscal years, less the amount of refunds,
32 rebates, and collection costs authorized by law, is hereby allocated to the railroad
33 improvement fund for the fiscal year beginning July 1, of each year following, for all
34 activities incident to providing and maintaining an adequate system of railroads in this
35 state. The General Assembly is specifically authorized to allocate and specify and direct
36 the use of the sum provided for under this Paragraph by general law. The sum provided

for under this Paragraph is appropriated for, and shall be available for, the railroad purposes authorized under this Paragraph regardless of whether the General Assembly enacts a general appropriations Act; and said sum need not be specifically stated in any general appropriations Act passed by the General Assembly in order to be available for such purposes. However, this shall not preclude the General Assembly from appropriating for such purposes an amount greater than the sum specified above for such purposes. The expenditure of such funds shall be subject to all the rules, regulations, and restrictions imposed on the expenditure of appropriations by provisions of the Constitution and laws of this state, unless such provisions are in conflict with the provisions of this Paragraph; provided, however, that the proceeds of the tax appropriated under this Paragraph shall not be subject to budgetary reduction. In the event of invasion of this state by land, sea, or air or in case of a major catastrophe so proclaimed by the Governor, said funds may be utilized for defense or relief purposes on the executive order of the Governor."

SECTION 4.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to provide that funds derived from sales and use and motor fuel taxes with respect to jet fuel, () NO aviation gasoline, and locomotive fuel shall be allocated for activities incident to providing and maintaining an adequate system of public-use airports and railroads and to authorize the General Assembly to specify and direct the use of such funds by general law?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.